



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 28, 2023

BY ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Dexter Washington, 23 Cr. 31 (LGS)

Dear Judge Schofield:

The Government writes in response to the Court's April 10, 2023 Order (the "Order"), which directed the Government to file a status letter by April 28, 2023, regarding several aspects of the defendant's medical treatment. The Government also requests, with the consent of the defense, that the May 8, 2023 status conference be adjourned in lieu of an additional status letter.

The Order first directed that the Government provide an update on the status of the defendant's colonoscopy. The Government understands from MDC medical and legal personnel ("MDC Medical" and "MDC Legal") that the colonoscopy was scheduled to take place on April 26, 2023. The defendant, however, was unable to complete the necessary bowel preparation, because he was transported to Court on the morning of April 25, 2023, for arraignment on the Superseding Indictment in this case. Unfortunately, the Government only learned that the colonoscopy preparation could not occur after the defendant was already en route to Court on the morning of April 25, 2023; otherwise, the Government would have asked to reschedule the arraignment so that the colonoscopy could proceed. The Government understands from MDC Legal that the defendant will be scheduled for the next availability colonoscopy slot. MDC Legal and MDC Medical were not able to give a more definite timeframe for when this appointment will take place.

The Order also directed the Government to confirm that (i) the defendant's second visit to an ENT specialist for a biopsy will take place on or before June 9, 2023, and (ii) appointments have been scheduled with an oncologist and urologist for June 2023. MDC Legal confirmed that the defendant is scheduled to see an ENT specialist in early June, before the date specified in the Order. MDC Legal further reported that the urologist and oncologist appointments are still in the process of being scheduled with the MDC's third-party scheduler.

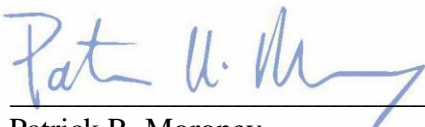
Additionally, the Order directed the Government to confirm that a CT scan of the defendant's lungs will take place by June 30, 2023. MDC Legal has informed the Government that a chest CT scan appointment is confirmed for late June.

The Government understands that the MDC's clinical director, Dr. Bruce Bialor, is very familiar with the status of the defendant's ongoing treatment, and MDC Legal asked the Government to convey to the Court that it and MDC Medical staff are well aware of Court-ordered deadlines and are making best efforts to ensure the defendant is seen by specialists as soon as possible. The Government is in frequent—often, daily—contact with MDC Legal about the status of the defendant's medical treatment.

Finally, because the Court adjourned the deadline for defense motions in this case to June 2, 2023, the parties respectfully request that the Court adjourn the May 8, 2023 status conference, and instead permit the Government to file an additional medical status letter by that date. In the event that the Court grants this request, the Government requests the exclusion of time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), through June 2, 2023. The exclusion of time will allow defense counsel to prepare and finalize pretrial motions. Defense counsel has informed the Government that he does not object to the exclusion of Speedy Trial time.

Respectfully submitted,

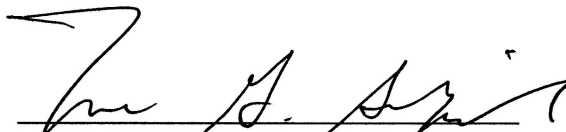
DAMIAN WILLIAMS
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cc (by ECF): B. Alan Seidler, Esq.

Application Granted. The Government shall file another status letter on **May 8, 2023**. The status conference previously scheduled for May 8, 2023, is adjourned to **June 12, 2023, at 10:45 a.m.** The Court finds that the ends of justice served by excluding the time between today and June 12, 2023, outweigh the best interests of the public and the Defendant in a speedy trial as provided in 18 U.S.C. § 3161(h)(7)(A) because the exclusion will allow defense counsel to continue reviewing discovery, prepare motions, and for the parties to continue discussions about a potential pretrial resolution. It is hereby ORDERED that the time between today and June 12, 2023, is excluded. The Clerk of the Court is directed to terminate the letter motion at docket number 43.

Dated: May 1, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE